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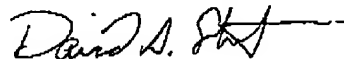
REMARKS

According to the Advisory Action mailed November 29, 2005, claims 61 to 63 and 68 to 72 remain rejected under 35 U.S.C. § 102(e) as being anticipated by and rendered obvious in view of Ebner, *et al.*, U.S. 2003/0092133A1 ("Ebner *et al.*"). Based on publicly available information obtained from the PTO PAIR database, Applicant has become aware that Ebner *et al.* no longer contains claims directed to the subject matter of the instant application (i.e., polynucleotides). See Response to Restriction/Election Requirement mailed on November 4, 2005 in U.S.S.N. 10/153,770 (which is the U.S.S.N. that corresponds to Ebner *et al.*).

Considering that Ebner *et al.* no longer contains claims directed to polynucleotides, Ebner *et al.* and the instant application do not "claim the same subject matter" and the § 131 declaration filed by the Applicant on October 31, 2003 and December 21, 2004 should be effective to antedate Ebner *et al.* Accordingly, applicant asks that the § 102(e) rejection of the pending claims be removed.

In view of this response, Applicant submits that the present application is in condition for allowance and should be passed to issue. Applicant respectfully requests that the Examiner contact the undersigned attorney prior to taking any further action in this application if the Examiner finds otherwise.

Respectfully submitted,
Attorney for the Applicant



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